



FOR IMMEDIATE RELEASE
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FOR MORE INFORMATION
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Tom Lochner, executive director for the Wisconsin State Cranberry Growers Association, today issued the following statement regarding a decision by Judge John Anderson of Bayfield County to award Sawyer County cranberry grower Bill Zawistowski \$549,632 in legal fees and costs. The right to seek recovery of legal fees and costs from plaintiffs is a remedy Wisconsin farmers have under the state's Right to Farm Law. The fees and costs are to be paid by several out-of-state landowners who filed a nuisance lawsuit against Zawistowski dating back to 2004. Zawistowski prevailed in that case in Sawyer County Circuit Court, at the Wisconsin Court of Appeals, and in May 2008, the Wisconsin Supreme Court declined to review the plaintiffs' case against Zawistowski.

“This was an important ruling for Mr. Zawistowski and his family, as well as for all of Wisconsin agriculture. This cranberry grower prevailed at every level of the court system and the facts clearly did not support the claims made against him. Still, he and his family incurred significant legal costs to defend their farm from these claims. Thankfully, the law provides an avenue for those costs to be recovered.

“The Wisconsin Right to Farm Law is purposefully designed to protect Wisconsin farmers from false claims and frivolous lawsuits that could bankrupt their farming operation. This decision reinforces the Right to Farm Law, that Mr. Zawistowski's operation was in complete compliance with the law, that his operation is not a nuisance and that such lawsuits are not to be entered into lightly.

“Mr. Zawistowski's second generation cranberry marsh has been in operation since the 1930s and it follows all state and federal rules and regulations, and is in full compliance with all Wisconsin Department of Natural Resources and Wisconsin Department of Agriculture policies and procedures to ensure the proper management of the marsh's operation.

“We have offered in the past to work with the plaintiffs to address their concerns, but they chose to pursue litigation instead. This case should have never been brought against Mr. Zawistowski, and today's ruling further demonstrates that fact. We hope it also provides assurance to other Wisconsin farmers that if they abide by state regulations and rules and run a good operation, they cannot be easily targeted as a public nuisance by others.”

“Even while working to defend his operation during this legal process, Mr. Zawistowski's commitment to operating his marsh responsibly has been unwavering. He has worked along with other growers to adopt the latest best management practices for the industry. His staff at the marsh has undergone training with USDA Natural Resources Conservation Service (NRCS), University of Wisconsin-Extension, and the Wisconsin Department of Agriculture to be certified in nutrient management. His marsh operates under a nutrient management plan approved by the USDA NRCS, which minimizes the use of fertilizers. Mr. Zawistowski is also working with the WSCGA/NRCS Whole Farm Planning Conservation Program to review practices on his marsh to potentially engineer a new water management system. Through these ongoing efforts and more, this grower and our industry as a whole, place environmental stewardship as a priority.”